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March 22, 2000

TELEFAX

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PETITIONS OFFICE

TO: Office of Petitions  
United States Patent and Trademark Office

FACSIMILE NO.: 1-703-308-6916

FROM: Kenneth I. Kohn

PAGE(S): 6 (including cover sheet)

RE: U.S. Serial No. 09/499,553  
Filed February 4, 2000  
GENE IDENTIFICATION METHOD  
Our File: 0168.00078

MESSAGE: Please file the attached in the above-captioned  
application.

\*\*\*\*\*

Please contact Connie McLean if there are any problems in transmission

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LOUIS PAUL DEISS ET AL.

Serial No.: 09/499,553

Filed: February 7, 2000

For: GENE IDENTIFICATION METHOD

Our File No.: 0168.00079

#3

PETITION TO ACCORD FILING DATE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

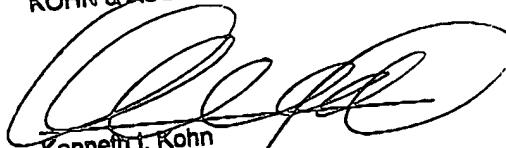
The above-captioned patent application is a continuation-in-part of United States Patent Application Serial No. 09/284,782, filed July 6, 1999. U.S. Serial No. 09/284,782, is a United States National Phase (371) patent application, which originated from a PCT International Application No. PCT/US97/20989, filed November 12, 1997. Upon entering National Phase in the United States, a copy of the PCT Publication was filed in the United States Patent Office, which represented the specification, which complies with Patent Office rules. Upon filing the continuation-in-part patent application, the PCT Publication was, again, filed in the United States Patent Office, which represents a copy of the parent application, i.e. U.S. Serial No. 09/284,782. Also filed with the C-I-P patent application was a Preliminary Amendment, which refers to the U.S. National Phase and PCT Application in the "Cross-Reference to Related Applications" section, as well as an unexecuted Declaration, which reflects the U.S. National Phase application serial number and the PCT Application serial number.

On March 20, 2000, Applicant's representative received a "Notice of Incomplete Nonprovisional Application". This Notice states that the specification is missing, and that Figures 1-2 have been omitted. The Notice further states that this application has not been accorded a filing date. Applicant's representative respectfully submits that a specification was, in fact, included in the application documents, that specification being the PCT Publication. In further response to the Notice, Applicant's representative encloses herewith the missing Figures 1-2. An executed Declaration will be filed upon receipt of a Notice to File Missing Parts of Application from the Patent Office.

Please charge the required \$130.00 petition fee to our Deposit Account No. 11-1449. Applicant's representative respectfully requests that the filing date of February 4, 2000 be accorded this application and respectfully requests a refund of the above-mentioned \$130.00 petition fee, to be credited to Deposit Account No. 11-1449.

Respectfully submitted,

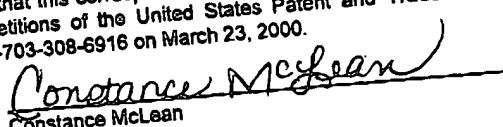
KOHN & ASSOCIATES



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Office of Petitions of the United States Patent and Trademark Office, Facsimile No. 1-703-308-6916 on March 23, 2000.



Constance McLean

Constance McLean

## FORMALITIES LETTER


  
"0C00000004991534"


## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/499,553	02/07/2000	Louis Paul Deiss	0168.00079

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Date Mailed: 03/14/2000

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.  
*A complete specification including at least one claim as prescribed by 35 U.S.C. 112 is required.*

The following item(s) appear to have been omitted from the application:

- Figure(s) 1-2 described in the specification.

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*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE